

**IN THE UNITED DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

NIBEDITA MOHANTY, M.D.

Defendant.

:
:
:
:
:
:
:

Criminal No.: 1:14-CR-256

MOTION TO EXTEND TIME TO FILE DEFENDANT'S EXPERT DESIGNATION

COMES NOW the Defendant, Nibedita Mohanty, M.D., by counsel, and moves this Court to enter an order extending the time to file defendant's expert designation from January 26, 2015 until February 13, 2015. In support of this Motion, the Defendant states as follows:

On July 3, 2014, the Court entered a discovery order providing that the government shall disclose to the Defendant no later than sixty calendar days before trial a written summary of testimony the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence. During a telephone conference on December 9, 2014, the Court set the trial date for February 23, 2015. On December 26, 2014, the government filed the Government's Notice of Intent to Use Expert Testimony, providing notice of its intent to use the expert testimony of fifteen expert witnesses and a summary of their expected testimony.¹

The timing of the government's filing of its expert designations and reports coincided with the holiday season, making it more difficult to timely review and analyze

¹ The government attempted to email the report to counsel the evening of December 24, 2014. However, due to the size of the computer file, it was not received at that time.

its content. Previously, the government had indicated that it expected to provide its expert report during mid October 2014, then November 2014. In addition, the 317-page expert designations, reports, and attachments provided by the government are highly voluminous and extremely complex. Accordingly, in order to allow the defense adequate time to fully address the government's expert reports, the Defendant respectfully requests that the deadline for filing the Defendant's expert designation be extended to Friday, February 13, 2015.²

Respectfully Submitted,
NIBEDITA MOHANTY, M.D.
By Counsel

GREENSPUN SHAPIRO PC

BY: _____/s/
Peter D. Greenspun, VSB: 18052
Jonathan Shapiro, VSB: 13953
Muhammad Elsayed, VSB: 86151
3955 Chain Bridge Road, 2nd Floor
Fairfax, Virginia 22030
(703) 352-0100
(703) 591-7268 (facsimile)
pdg@greenspunlaw.com
js@greenspunlaw.com
me@greenspunlaw.com

² Counsel had repeatedly requested that draft reports be provided earlier so defense counsel could work on rebuttal witnesses. However, the government apparently had a problem with an injured expert, so that a draft report or information was not provided.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2015, the foregoing document was filed with the Court via CM/ECF, and a copy provided via electronic mail to the following:

Gene Rossi, Esquire
Assistant United States Attorney
Jennifer Ballantyne, Esquire
Special Assistant United States Attorney
Nicole Grosnoff
Special Assistant United States Attorney
U.S. Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
gene.rossi@usdoj.gov
jennifer.ballantyne2@usdoj.gov
nicole.grosnoff2@usdoj.gov

/s/

Peter D. Greenspun, Esquire (VSB 18052)
Jonathan Shapiro, Esquire (VSB 13953)
Muhammad Elsayed, Esquire (VSB 86151)